

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

KENNETH G. CHARRON, SR.,)	
)	
Plaintiff,)	
)	
v.)	No. 2:10CV61 JCH
)	
GENE ROXAS,)	
)	
Defendant.)	

ORDER

This matter is before the Court upon the motion of Kenneth Charron, Sr., for leave to commence this action without payment of the required filing fee. Although plaintiff is subject to the “three strikes” provision in 28 U.S.C. § 1915(g), the Court finds that the motion should be granted.

28 U.S.C. § 1915 (g)

Title 28 U.S.C. § 1915(g) provides that a prisoner may not bring a civil action in forma pauperis if “on 3 or more [earlier] occasions, . . . [the prisoner has] brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”

Discussion

Plaintiff alleges that he slipped and fell on May 17, 2009. Plaintiff claims that he injured his neck and back as a result. Plaintiff also claims he has previously injured his back and that he has metal screws near his spine. Plaintiff says he was given a CAT scan on October 26, 2009, which showed that one of the screws in his back was “pushing its way into the [spinal] cord and may be causing nerve damage.” Plaintiff states he has not been treated for his injuries. Plaintiff alleges that he is suffering from paralysis in his arms and hands, that he is unable to focus, and that he has muscular contractions.

Plaintiff has sufficiently alleged that he is in imminent danger of serious physical injury. As a result, the Court will grant plaintiff’s motion to proceed in forma pauperis and order defendant to respond to the complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the plaintiff shall pay an initial filing fee of \$1.70 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to “Clerk, United States District Court,” and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

IT IS FURTHER ORDERED that if plaintiff fails to pay the initial partial filing fee within thirty (30) days of the date of this Order, then this case will be dismissed without prejudice.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to issue upon the complaint.

IT IS FURTHER ORDERED that, pursuant to 42 U.S.C. § 1997e(g)(2), defendant shall reply to plaintiff's claims within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that this case is assigned to Track 5B: Prisoner Standard.

Dated this 7th day of October, 2010.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE